

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Bankier, J., et al.

Serial No. 10/029,638

Group Art Unit: 2152

Filed: December 19, 2001

Examiner: Troung, Lan Dai T.

Title: Highly Available Transaction Failure Detection and Recovery
For Electronic Commerce Transactions

Response to Notice of Non-Compliant Appeal Brief

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated October 29, 2008, attached is a Replacement Page 2 with a corrected section “**III. Status of Claims**” that indicates the status of all claims and identifies the claims being appealed.

Please replace page 2 of the Appeal Brief filed 14 October 2008 with the attached new Replacement Page 2.

Dated: November 7, 2008

Respectfully Submitted,

/Barry N. Young/

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Replacement Page

I. REAL PARTY IN INTEREST

The real party in interest is EMC Corporation, a corporation of the State of Massachusetts. EMC Corporation is a Large Entity.

II. RELATED APPEALS AND INTERFERENCES

There are no pending appeals, interferences or judicial proceedings known to Appellants, to Appellants' legal representative, or to Assignee which may be related to, directly effect, be effected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1 – 17 and 19 - 56 are pending; Claim 18 has been cancelled; Claims 1 – 17 and 19 - 56 stand finally rejected; and the rejections of Claims 1 – 17 and 19 – 56 are being appealed.

IV. STATUS OF AMENDMENTS

There are no un-entered Amendments.

V. SUMMARY OF CLAIMED SUBJECT MATTER**A. Concise Explanation of Subject Matter Claimed**

The invention is directed to electronic transaction assurance (eTA) systems, method and program products for processing electronic commerce ("e-commerce") network transactions which comprise messages exchanged between a client and a server. Electronic commerce transactions require highly reliable security to ensure proper completion of the transactions such as sale and purchase, to ensure proper